

REMARKS/ARGUMENTS

Status

This is an Amendment and Reply to the Office Action mailed May 27, 2009, in which the following rejections were set forth: Claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ishimaru* in view of *Huh*, Keefer et al. (US Publication 2002/0112479) (“*Keefer*”) and Frank et al. (US 6,541,141) (“*Frank*”); Claims 7-10, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ishimaru* in view of *Huh* and *Keefer*; Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ishimaru* in view of *Huh*, *Keefer*, and *Frank* and further in view of *Thompson*; Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ishimaru* in view of *Huh*, and *Keefer* and further in view of *Thompson*; Claims 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ishimaru* in view of *Huh* and *Keefer* and further in view of *Poltrack* (U.S. 7,158,116) (“*Poltrack*”).

Applicant thanks the Examiner for the professional courtesies extended in a telephone interview with Applicant’s counsel on August 26, 2009.

By this reply, new claim 19 has been added and no claims have been amended or canceled.

With respect to Examiner’s primary reference cited against each of the claims previously pending in the application, *Ishimaru* deals with a very complex energy management system, which requires the following necessary constituents:

- an exterior electric power plant supplying an interior power receiving equipment;
- an in-system power generating device for generating power and heat using fuel;
- a fuel receiving device;
- a power receiving equipment supplying the exteriorly generated power and the interiorly generated power to a power consuming installation;
- a heat supply device for supplying the interiorly generated heat to some heat consumer.

These obligatory components of the system are operated under control of a computer which is programmed so as to minimize an equation containing a number of parameters which can be essentially freely chosen according to the circumstances. As such, *Ishimaru* comprises a number of possibilities of controlling the operation of the several components. *Ishimaru*, however, does not address the problem of dryers in the automotive field nor how a person of

ordinary skill in the art would choose among the several parameters in the equation for such an application. Thus, the relevant thoughts still have to be made in view of *Ishimaru* when the operation of dryers is concerned.

It maybe that the “philosophy” of the present invention is somehow comprised in the general formula of *Ishimaru*, but it is “hidden,” especially in its application to dryers. It is an acknowledged principle in patent law all over the world that the election of a particular solution from a large number of possibilities can be patentable subject matter.

More importantly, a person of ordinary skill in the art would not look to *Ishimaru* to arrive at the present invention because the system in *Ishimaru* provides both electricity and heat depending on the immediate needs of the energy consumer. *See, e.g., Ishimaru Pages 2, 6, and 7.* Since *Ishimaru* teaches a system which provides both electricity and heat, a person of ordinary skill in the art would not look to combine *Ishimaru* with *Huh* because doing so would completely change the purpose of the *Ishimaru* invention and would render the *Ishimaru* system incapable of meeting its intended purpose. Examiner cites *Huh*, for amongst other things, the element of Claims 1 and 7 wherein the fuel cell of *Huh* is operated regardless of the electrical energy generated therein and so that the thermal (heat) energy meets the requirements of a drying cubicle. Since the purpose of the *Ishimaru* invention is to utilize a fuel cell to provide both electricity and heat to meet a consumer’s immediate energy needs, combining it with any system which operates completely independent of electrical output would render *Ishimaru* incapable of satisfying its purpose of meeting a consumer’s electrical needs. As established in the MPEP, a proposed modification cannot render an invention incapable of satisfying its intended purpose. *See MPEP § 2143.03(V).* As such, the combination of *Ishimaru* and *Huh* is improper, and a *prima facie* case of obviousness has not been met. Applicant therefore respectfully submits that independent Claims 1, 7, and 19—as well as all claims depending there from—are allowable over the relied upon prior art.

Additionally, with respect to previously pending independent Claim 1 and new independent Claim 19, Applicant respectfully asserts that the combination of *Ishimaru*, *Huh*, *Keefer*, and *Frank* fails to disclose each and every element of the present invention. Assuming for the sake of argument that the combination of *Ishimaru* and *Huh* is proper, the combination of *Ishimaru*, *Huh*, *Keefer*, and *Frank* fails to show an invention wherein “a supply line for introducing air from the atmosphere into the drying chamber...” wherein the drying chamber

includes “at least one section in which the objects are exposed to hot air...” That is, the Office Action relies on *Frank* to show “an air supply line drawing air 25 from the atmosphere into the drying chamber 24 same as applicant’s” however Applicant asserts that the drying chamber in *Frank* does not dry objects, but rather simply reduces the humidity in the exhaust from the fuel cell. *See, e.g., Frank* at Columns 2 and 5. As such, *Frank* does not remedy the admitted failure of *Ishimaru*—or the other relied upon references—to disclose “a supply line for introducing air from the atmosphere into the drying chamber” because *Frank* does not contain a drying chamber that dries objects and therefore cannot have a supply introducing air into the same as required in Applicant’s Claims 1 and 19. Thus, Applicant respectfully requests that independent Claims 1 and 19—as well as all claims ultimately depending there from—be allowed to issue.

CONCLUSION

In view of the above remarks, Applicant respectfully requests that all rejections be removed and all pending claims be passed to issue. Applicant has included the fee for a three month extension of time herewith. If any additional fees are required with this communication, Applicant authorizes the Commissioner to deduct such fees from Deposit Account No. 50-0545.

Respectfully submitted,

Jody L. Factor
Reg. No. 34157
One of the Attorneys for the Applicants

Dated: November 25, 2009

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop – Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 25, 2009

Yolanda Solis